



Application No. _____
(For City Use Only)

PETITION FOR STREET VACATION, DEDICATION, OR NAME CHANGE
FEE: \$150.00

Application for street located at : _____ Date: _____

Petitioner: _____ Phone No.: _____
(Current owner of property abutting subject street must sign application)

Email: _____ Fax: _____ Cell No. _____

Mailing Address : _____ Zip Code: _____

1. If the petition is for a street vacation, please indicate the reason for the vacation:

If the petition is for a street vacation, a legal description for the subject street must accompany this application.

2. If the petition is for a street dedication, please attach a copy of the dedication plat.

3. If the petition is for a street name change, what is the current name of the street:
_____ What is the proposed name : _____

4. Please list the names and addresses of all property owners abutting the affected street:

Each owner listed in #4 above who is a party to and/or consents to this petition should submit a separate owner's affidavit as attached.

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH)
 : ss
COUNTY OF DAVIS)

I (We), _____, being duly sworn, depose and say that I (We) am (are) the owner(s)* of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

(Authorized Agent)

Subscribed and sworn to me this _____ day of _____, 20____.

(Notary)

Residing in Davis County, Utah

My commission expires: _____

*Shall be the owner-of-record as listed by the Davis County Recorder's Office or may be the authorized agent of the owner as listed below.

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AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any City Boards considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Property Owner)

(Property Owner)

Dated this _____ day of _____, 20__, personally appeared before me _____, the signer(s) of the above instrument who duly acknowledged to me that they executed the same.

(Notary)

Residing in Davis County, Utah

My commission expires: _____

ARTICLE 1 **GENERAL POWERS**

10-8-1. Control of finances and property.

The boards of commissioners and city councils of cities shall have the power to control the finances and property of the corporation. 1953

10-8-2. Appropriations — Acquisition and disposal of property.

- (1) A board of commissioners or city council may:
 - (a) appropriate money for corporate purposes only;
 - (b) provide for payment of debts and expenses of the corporation;
 - (c) purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the city, whether the property is within or without the city's corporate boundaries; and
 - (d) improve, protect, and do any other thing in relation to this property that an individual could do.
- (2) It is considered a corporate purpose to appropriate money for any purpose that, in the judgment of the board of commissioners or city council, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the city. 1953

10-8-3. Tax districts.

They may divide the city into districts for the purpose of local taxation as occasion may require. 1953

10-8-4. Special taxes and licenses.

- (1) Municipal legislative bodies may:
 - (a) subject to Subsection (2), fix the amount, terms, and manner of issuing licenses; and
 - (b) consistent with general law, provide the manner and form in which special taxes are levied and collected.
- (2) (a) Municipal legislative bodies may not discriminate between resident community businesses and nonresident community businesses in establishing license requirements.
- (b) Municipal legislative bodies may not impose motor vehicle delivery license fees on persons or entities who:
 - (i) are licensed as dealers in another municipality;
 - (ii) do not have a permanent business location in the municipality. 1953

10-8-5. Erection and care of buildings.

They may erect all needful buildings for the use of the city, and provide for their care. 1953

10-8-6. Borrowing power — Warrants and bonds.

They may borrow money on the credit of the corporation for corporate purposes in the manner and to the extent allowed by the Constitution and the laws, and issue warrants and bonds therefor in such amounts and forms and on such conditions as they shall determine. 1953

10-8-7. Refunding bonds — Purpose of issuance.

They may issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or refunding of the same. 1953

10-8-8. Streets, parks, airports, parking facilities, public grounds and pedestrian malls.

They may lay out, establish, open, alter, widen, narrow, extend, grade, pave or otherwise improve streets, alleys, avenues, boulevards, sidewalks, parks, airports, parking lots or other facilities for the parking of vehicles off streets, public grounds, and pedestrian malls and may vacate the same or parts thereof, by ordinance. 1956 (2nd S.S.)

10-8-8.1. Petition for vacation, narrowing, or change of name of street or alley — Hearing — Ordinance.

On petition by a person owning a lot in a city, praying that a street or alley in the immediate vicinity of such lot may be vacated, narrowed or the name thereof changed, the governing body of such city, upon hearing, and upon being satisfied that there is good cause for such change of name, vacation or narrowing, that it will not be detrimental to the general interest, and that it should be made, may declare by ordinance such street or alley vacated, narrowed or the name thereof changed. The governing body may include in one ordinance the change of name, or the vacation, or the narrowing of more than one street or alley. 1953

10-8-8.2. Vacation, narrowing, or change of name of alley or street without petition — Ordinance.

When there are two or more streets or alleys of the same name in the city, the governing body, by ordinance and without petition thereof, may change the name of any such street or alley, so as to leave only one to be designated by the original name. When in the opinion of the governing body of the city there is good cause for vacating, or narrowing a street or alley, or any part thereof, and that such vacation or narrowing will not be detrimental to the general interest, it may, by ordinance, and without petition therefor, vacate or narrow such street or alley or any part thereof. 1955

10-8-8.3. Notice required — Exception.

Notice of the intention of the governing body to vacate any street or alley, or part thereof, shall in all cases be given as provided in the next section, except when there is filed with the governing body written consent to such vacation by the owners of the property abutting the part of the street or alley proposed to be vacated, in which case such notice shall not be required. 1955

10-8-8.4. Notice — How given.

No street or alley shall be so vacated, unless notice of the pendency of the petition and prayer thereof, and the date of the hearing thereon, if such petition is filed, or of the intention of the governing body of the city to vacate, and the date of the hearing on such question if no petition is filed, be given by publishing in a newspaper published or of general circulation in such city once a week for four consecutive weeks preceding action on such petition or intention, or, where no newspaper is published in the city by posting the notice in three public places therein four consecutive weeks preceding such action, and by mailing such notice to all owners of record of land abutting the street or alley proposed to be vacated addressed to the mailing addresses appearing on the rolls of the county assessor of the county wherein said land is located. Action thereon shall take place within three months after the completion of notice. 1955

10-8-8.5. Effect of vacation or narrowing of street or alley.

The action of the governing body vacating or narrowing a street or alley which has been dedicated to public use by the proprietor shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof, and the relinquishment of the city's fee therein by the governing body, but the right of way and easements therein, if any, of any lot owner and the franchise rights of any public utility shall not be impaired thereby. 1953

10-8-9. Bathhouses, playgrounds.

They may establish, maintain and provide for the supervision of bathhouses, public playgrounds, recreation places and swimming pools. 1953

10-8-10. Trees.

They may plant, or direct and regulate the planting of, ornamental shade trees in streets, parks and public grounds. 1953

10-8-11. Streets — Encroachments, lighting, sprinkling, cleaning.

They may regulate the use of streets, alleys, avenues, sidewalks, crosswalks, parks and public grounds, prevent and remove obstructions and encroachments thereon, and provide for the lighting, sprinkling and cleaning of the same. 1953

10-8-12. Renumbered as § 17A-3-1401.

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10-8-13. Conduits, drains, etc.

They may regulate the opening and use of streets, alleys, sidewalks, crosswalks and public grounds for the laying of gas or water mains and of conduits and pipes, and the building and repairing of sewers, tunnels, conduits and drains. 1953

10-8-14. Water, sewer, gas, electricity, telephone and public transportation — Service beyond city limits — Retainage as-crow.

(1) They may construct, maintain and operate waterworks, sewer collection, sewer treatment systems, gas works, electric light works, telephone lines or public transportation systems, or authorize the construction, maintenance and operation of the same by others, or purchase or lease such works or systems from any person or corporation, and they may sell and deliver the surplus product or service capacity of any such works, not required by the city or its inhabitants, to others beyond the limits of the city.

(2) If any payment on a contract with a private person, firm, or corporation to construct waterworks, sewer collection, sewer treatment systems, gas works, electric light works, telephone lines, or public transportation systems is retained or withheld, it shall be placed in an interest bearing account and the interest shall accrue for the benefit of the contractor and subcontractors to be paid after the project is completed and accepted by the board of commissioners or city council of the city. It is the responsibility of the contractor to ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis. 1953

10-8-15. Waterworks — Construction — Extra-territorial jurisdiction.

They may construct or authorize the construction of waterworks within or without the city limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution their jurisdiction shall extend over the territory occupied by

such works, and over all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for fifteen miles above the point from which it is taken and for a distance of three hundred feet on each side of such stream and over highways along such stream or watercourse within said fifteen miles and said three hundred feet; provided, that the jurisdiction of cities of the first class shall be over the entire watershed, except that livestock shall be permitted to graze beyond one thousand feet from any such stream or source; and provided further, that each city of the first class shall provide a highway in and through its corporate limits, and so far as its jurisdiction extends, which shall not be closed to cattle, horses, sheep or hogs driven through any such city, or through any territory adjacent thereto over which such city has jurisdiction, but the board of commissioners of such city may enact ordinances placing under police regulations the manner of driving such cattle, sheep, horses and hogs through such city, or any territory adjacent thereto over which it has jurisdiction. They may enact all ordinances and regulations necessary to carry the power herein conferred into effect, and are authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of cities derive their water supply, in whole or in part, for domestic and culinary purposes, and may enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the city has jurisdiction, and provide for permits for the construction and maintenance of the same. In granting such permits they may annex thereto such reasonable conditions and requirements for the protection of the public health as they deem proper, and may, if deemed advisable, require that all closets, privies and urinals along such streams shall be provided with effective septic tanks or other germ-destroying instrumentalities. 1953

10-8-16. Watercourses leading to and within city — Mill privileges.

They may control the water and watercourses leading to the city and regulate and control the watercourses and mill privileges within the city; provided, that the control shall not be exercised to the injury of any right already acquired by actual owners. 1953

10-8-17. City may act as distributing agent — Collection of operating costs from users.

When the governing body of a city is acting as distributing agent of water, not the property of the corporation, outside of or within its corporate limits, the governing body may annually prior to the commencement of the irrigation season determine and fix the sum deemed necessary to meet the expense of the current year for the purpose of controlling, regulating and distributing such water and constructing and keeping in repair the necessary means for diverting, conveying and distributing the same, and they may collect such sum from the persons entitled to the use of such water, pro rata according to acreage, whether the acreage is situate within or without the corporate boundary of the city; provided, that the funds so derived shall not be appropriated or used for any other purpose, and in the event that a greater sum is collected in any one year than is necessary for said pur-